

October 17, 2002



Marlene H. Dortch
Secretary
Federal Communications Commission
TW-A325
445 Twelfth St., SW
Washington DC 20554

Re: *Ex Parte* presentation in MB Docket 02-277, MB Dockets 01-235,
01-317, 00-44, 00-167, 99-360

Dear Ms. Dortch:

On October 16, 2002, Andrew Jay Schwartzman, Cheryl A. Leanza, and Kathryn Sheely of Media Access Project, Gene Kimmelman and Ellen Blom of Consumers Union, Jeff Chester of Center for Digital Democracy, and Angela Campbell, James Bachtell, and Amy Wolverton of Georgetown Law Center's Institute for Public Representation met with Commissioner Michael Copps, and his aides Alexis Johns, and Jordan Goldstein. We discussed the above-captioned on-going biennial review proceeding considering media ownership limits and the studies recently released by the Commission as part of that proceeding.

We explained that public interest groups would be unable to analyze the studies adequately if the underlying data supporting the studies was not made public. We explained we would be willing to sign a protective order to view proprietary data, but that the Commission may not make decisions based on data not available for the public. This data and the data that has already been made available should be made available in machine readable format. Moreover, the Commission's comment deadline should not begin to count down until the data is available. The public interest groups present also expressed grave doubts about the shortness of the deadlines and supported any requests, including MMTC's pending request, for an extension of time.

We discussed some of the studies. Many of the studies asked and answered irrelevant questions. In particular, we felt that conclusions based on the study conducted by Mr. Waldfogel did not show that all media were universally interchangeable. More research is needed in this area. The study conducted by Mr. Pritchard did not include a control group, and thus its conclusions are questionable. In addition, his analysis of a Presidential election is not representative of the local issues which are of paramount concern to the public interest groups and central to the cross-ownership rules. Several studies incorrectly studied variety or format diversity, which is irrelevant for the purposes of FCC diversity analysis. None of the studies considered whether significant segments of the public are not well-served in the commercial marketplace. No study considered whether certain outlets obtain their news from a single source, regardless of whether they are separately owned. No study considered whether news personnel are cut back as the result of corporate mergers. The studies did not consider when individuals rely on several sources of information.

In its *NPRM*, the Commission asks questions about several areas, but their studies did not begin to address them. In particular, there is no good data on what public affairs and news programming is offered to the public. The Commission is considering a proposal to require

broadcasters to disclose this information, but has not adopted it. In addition, the information the

Commission collects about the race and gender of broadcast owners in its ownership forms are not compiled and made available. The Commission's information about gender is unique.

We urged Commissioner Copps to continue to press the media to cover this proceeding and supported his suggestion that the Commission hold field hearings across the country to educate the public and stimulate debate.

Sincerely,

Cheryl A. Leanza

cc: Commissioner Copps
Alexis Johns
Jordan Goldstein